

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MARJORIE TAYLOR GREENE,

Plaintiff,

v.

MR. BRAD RAFFENSPERGER, in  
his official capacity as Georgia  
Secretary of State, *et al.*,

Defendants.

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CIVIL ACTION NO.  
22-cv-1294-AT

**ORDER**

As noted in the Court's docket order of April 11, 2022 and the Notice filed on April 12, 2022, the hearing officer has extended, at Plaintiff Greene's request, the date for the state administrative hearing from April 13, 2022 to April 22, 2022. Given the additional time available for the Court to rule prior to the commencement of the administrative hearing and the importance of the issues in this case to all parties, the Court finds that it would be helpful to the completion of its review and analysis of this case to obtain additional briefing on the following issues by noon on April 14, 2022.


1. At the hearing on Friday, April 8, 2022, Defendants argued that the OSAH proceeding and subsequent state court appeals process, as outlined in O.C.G.A. § 21-2-5, may fall within the second category of cases to which the *Younger* abstention doctrine applies as well as the third category. *See Sprint Commc'ns, Inc.*

*v. Jacobs*, 571 U.S. 69, 73 (2013) (outlining categories of cases that trigger *Younger* abstention). The parties are directed to address whether the O.C.G.A. § 21-2-5 process falls within *Younger*'s second category, and whether that is the case (1) regardless of the type of challenge raised by a voter, and/or (2) specifically as applied to the specific circumstances of this case.

2. Defendants also represented at the April 8 hearing that, in past OSAH cases involving certain candidate qualifications to seek state office, ALJs had, *sua sponte* or upon motion, shifted the burden to the challenger to first demonstrate that a candidate was not qualified to hold state office. (Hearing Transcript, Doc. 39 at 36-37.) Defendants are directed to provide any easily accessible examples of such situations as an addendum to their brief.

The Court **DIRECTS** all parties to submit briefs on these issues by noon on Thursday, April 14, 2022. The briefs should be no longer than five pages, except that the summary examples referenced by Defendants are not included within the five-page limit.

**IT IS SO ORDERED** this 12th day of April, 2022.

  
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**AMY TOTENBERG**  
**UNITED STATES DISTRICT JUDGE**